

## Section 52 – Marine Service Zone

### 52.1 Zone Description

The Marine Service Zone comprises land with appropriate water and land-based infrastructure that allows for marine-related industrial and commercial activities to locate at the waters' edge in:

1. Thames, adjacent to the Shortland Wharf;
2. Coromandel Town, in two areas:
  - a) on Long Bay Road; and
  - b) on Wharf Road adjacent to the boat haul-out area;
3. Te Kouma, on the Sugar Loaf landing facility;
4. Tairua, on The Marina at the base of Paku;
5. Whangamata, on Beach Road adjacent to the causeway and adjoining the Whangamata Marina;
6. Whitianga, at the end of Dundas Street adjacent to the Whitianga Marina.

### 52.2 Zone Purpose

The Marine Service Zone provides for commercial and small-scale industrial activities which directly service marine recreational users and marine farm and fishing industries. The bulk and location standards for the Zone are intended to enable these types of activities to occur in a way that does not unreasonably affect the levels of amenity of other activities located nearby.

### 52.3 Activity Table and User Information

The Activity Table groups activities under broad headings and provides a rule and section number to go to as a starting point. In the table the following abbreviations are used:

R =	Rule
S =	Section

The zone rules are part of a hierarchy of rules. There may be overlay rules, district wide rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information).

Activity Table				
Activity	PER (S 52.4)	RDIS (S 52.5)	DIS (S 52.6)	NC (S 52.7)
<b>Activities not provided for</b>				
Activities not provided for in the Plan			R 12	
Activities not provided for in Section 52				R 13
<b>Building removal</b>				
Demolition	R 10			
Partial demolition	R 10			
Removal	R 10			
<b>Commercial</b>				
Commercial recreation/event facility	R 1			
General Commercial	R 1			
Restaurant	R 4			
<b>Community</b>				
Community facility	R 1			
Emergency service training, military training	R 5			
Festival, event	R 6			
Informal recreation	R 5			
Scientific equipment, navigational aid	R 5			
<b>Earthworks</b>				
Earthworks	R 7			
<b>Industrial</b>				
Industrial	R 2			
Marine equipment storage, maintenance and harvesting	R 3			
<b>Noise</b>				
Noise not covered by another rule in Section 52	R 8			
<b>Residential</b>				
One dwelling per lot		R 11		
Two or more dwellings per lot		R 11		
<b>Water, wastewater, stormwater and solid waste</b>				
Other water, wastewater, stormwater infrastructure	R 9			
Refuse transfer station, recycling operation	R 3			

**Note:**

1. Works in close proximity to any electricity line can be dangerous. Compliance with the [New Zealand Electrical Code of Practice for Electrical Safe Distances \(NZECP 34:2001\)](#) is mandatory for all buildings and mobile plant within close proximity to all electricity lines.
2. Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in the vegetation breaching the [Electricity \(Hazards from Trees\) Regulations 2003](#).

## 52.4 Permitted Activities

### **Rule 1: Commercial recreation/event facility; Community facility; General commercial**

1. An activity listed in Rule 1 is a permitted activity provided:
  - a) It is directly related to marine activities; and
  - b) It meets the standards in Table 3 at the end of Section 52.
  - c) Commercial recreation/event facility or General commercial activities are not permitted in the Marine Service Zone at Te Kouma.
2. An activity that is not permitted under Rule 1.1 b) is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1-7 in Table 4 at the end of Section 52.
4. An activity that is not permitted under Rule 1.1 a) or 1.1 c) is a non-complying activity.

#### *Note:*

1. *Examples of activities that comply with Rule 1.1 a) include: boat sales, dive bottle filling, hire of marine vehicles, sale of fishing gear, seafood outlet, sailing school, yacht club, coast guard.*

### **Rule 2: Industrial**

1. Industrial is a permitted activity provided:
  - a) It meets the standards in Table 3 at the end of Section 52; and
  - b) It is directly related to marine activities; and
  - c) It is not in the Marine Service Zone at Tairua or Te Kouma.
2. Industrial that is not permitted under Rule 2.1 a) is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1-7 in Table 4 at the end of Section 52.
4. Industrial that is not permitted under Rule 2.1 b) and 2.1 c) is a non-complying activity.

#### *Note:*

1. *Examples of activities that comply with Rule 2.1 b) include: boat building, boat engine servicing, fish and shellfish processing.*

### **Rule 3: Marine equipment storage, maintenance and harvesting; Refuse transfer station, recycling operation**

1. An activity listed in Rule 3 is a permitted activity provided:
  - a) It meets the standards in Table 3 at the end of Section 52; and
  - b) It is not in the Marine Service Zone at Tairua.
  - c) It is not in the Marine Service Zone at Te Kouma.
2. An activity that is not permitted under Rule 3.1 a) or 3.1 c) is a restricted discretionary activity.
3. The Council restricts its discretion for the assessment of a refuse transfer station, recycling operation to matters 1, 3, 5, 8, 9 b) and 10 in Table 4 at the end of Section 52.
4. The Council restricts its discretion for the assessment of a marine equipment storage, maintenance and harvesting activity to matters 1, 3, 5, 8, 9 b) and 10 in Table 4 at the end of Section 52.
5. An activity that is not permitted under Rule 3.1 b) is a non-complying activity.

Note:

1. Rules controlling vehicle access, parking and manoeuvring are in Section 42.

#### **Rule 4: Restaurant**

1. A restaurant is a permitted activity provided:
  - a) It meets the standards in Table 3 at the end of Section 52; and
  - b) It is not in the Marine Service Zone at Te Kouma.
2. A restaurant that is not permitted under Rule 4.1 a) is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1-7 in Table 4 at the end of Section 52.
4. A restaurant in the Marine Service Zone at Te Kouma is a non-complying activity.

Note:

1. Rules controlling vehicle access, parking and manoeuvring are in Section 42 Transport.

#### **Rule 5: Emergency service training, military training; Informal recreation; Scientific equipment, navigational aid**

1. An activity listed in Rule 5 is a permitted activity.

#### **Rule 6: Festival, event**

1. A festival, event, and any noise from it, is a permitted activity provided:
  - a) Electronically amplified noise and vehicle noise at the notional boundary of adjacent sites from 10 pm to 7 am the following day is no louder than 40 dB  $L_{Aeq(15\ min)}$  and 70 dB  $L_{AF\ max}$ ; and
  - b) The noise of any helicopter associated with the festival, event complies with the standards in NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding Section 5: Land Use Planning); and
  - c) No buildings are erected (under this Rule) that remain after the festival, event finishes; and
  - d) It lasts no longer than 24 consecutive hours.
2. A festival, event that is not permitted under Rule 6.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1, 3, 5, 6, 8 and 9 in Table 4 at the end of Section 52.

Note:

1. After 10 pm, the Council may apply excessive noise provisions under sections 326-328 of the RMA if noise, particularly electronically amplified noise, is excessive for the location and event.
2. The Council recommends event planners contact the Area Manager prior to the festival, event.
3. Where a Festival, event has direct access onto or adjoins a State highway, the event organisers should contact the NZ Transport Agency to determine their traffic management requirements.

## Rule 7: Earthworks

1. Earthworks are a permitted activity provided:
  - a) They are for flood defence installation, maintenance or removal commissioned by the Waikato Regional Council; or
  - b) They are for drainage works installed below ground level where the ground surface is fully restored and planted within 3 months from when work started; or
  - c) They are for utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator; or
  - d) They are part of a Beachcare activity or other beach and dune restoration activity authorised by the Council or the Waikato Regional Council; or
  - e) They are to establish a building platform, and the earthworks are completed, and covered by a building or stabilised, within 3 months from when work started; or
  - f) They are for temporary stream and river gravel extraction and crushing facilities; or
  - g) They meet the following standards:
    - i) The standards in Table 1; and
    - ii) Silt and sediment resulting from the earthworks remains within the site; and
    - iii) Any surplus excavated material is reused on the site or is removed from the site within 3 months of when the work started; and
    - iv) The earthworks are stabilised within 3 months of when the work started; and
    - v) A flat 'terrace' between fills/cuts must have a perpendicular length that is more than twice the height of the adjoining fill/cut above the terrace in order for the fills/cuts to be separate for the purpose of the Table 1 standards. Otherwise, the earthworks are treated as one fill/cut.
2. Earthworks that are not a permitted activity under Rule 7.1 are a restricted discretionary activity.
3. The Council restricts its discretion to matters 1 and 7 in Table 4 at the end of Section 52.

Table 1 – Earthworks Standards	
<ol style="list-style-type: none"> <li>Maximum area per <u>site</u> per calendar year is 500 m<sup>2</sup></li> <li>Maximum volume per <u>site</u> per calendar year is 250 m<sup>3</sup></li> <li>Maximum <u>height</u> of any fill and/or cut is 1.5 m</li> <li>Maximum <u>height</u> of any cut or fill that is retained by a legally established retaining wall is 2.5 m</li> <li>Maximum duration of work within any calendar year is 3 months</li> </ol>	
Minimum Setback Distance of Earthworks	
6. From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the <b>toe of a fill</b> (without a legally established retaining wall)	Equal to the maximum <u>height</u> of the fill
7. From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the <b>toe of a cut</b> (without a legally established retaining wall)	Equal to 1.5 times the maximum depth of the cut (also see 8. below)
8. From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the <b>crest of a cut</b> (without a legally established retaining wall)	0.3 (also see 7. above)
9. From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the <b>top or bottom</b> of a legally established retaining wall supporting a cut or a fill	Equal to the maximum <u>height</u> of the retaining wall
10. From buried Council-owned wastewater, stormwater or water pipe	The depth of the pipe plus the pipe radius (i.e. a 45° setback zone either side of the pipe)

**Note:**

- For diagrams illustrating the above setback distances, refer to 'Earthworks' in Section 3 Definitions.
- [Building Act 2004](#) requirements may be triggered for some earthworks, such as where work is needed because land instability threatens a building and retaining walls.
- All earthworks must comply with [Heritage New Zealand Pouhere Taonga Act 2014](#), which protects recorded, suspected and unrecorded archaeological sites from destruction, damage and modification.
- Consent may be required from the Waikato Regional Council. You are advised to check the Waikato Regional Plan prior to starting the earthworks.
- Guidelines to avoid the discharge of earth material are available in: "Erosion and Sediment Control - Guidelines for Soil Disturbing Activities". Waikato Regional Council Technical Report No. 2009/02. January 2009, available at [www.waikatoregion.govt.nz](http://www.waikatoregion.govt.nz)
- Earthworks in close proximity to any electricity distribution line can be dangerous. [The New Zealand Electrical Code of Practice for Electrical Safety Distances \(NZECP 34:2001\)](#) applies to all earthworks and the operation of mobile machinery within close proximity to all electric lines.
- See also the Waikato Regional Plan for permitted activity standards and consent requirements relating to gravel extraction.
- Section 330 of the [RMA](#) provides for emergency works for preventative or remedial action.

### Rule 8: Noise not covered by another rule in Section 52

1. Noise not covered by another rule in Section 52 is a permitted activity provided:
  - a) It meets the noise standards in Table 2; or
  - b) It is from a temporary site or building maintenance activity between 7 am and 8 pm; or
  - c) It is from emergency service training or emergency response activities; or
  - d) It is from military training; or
  - e) It is from the temporary use of an emergency electricity generator; or
  - f) It is from a temporary construction activity that complies with NZS 6803:1999 Acoustics – Construction noise.
2. Noise not covered by another rule in Section 52 that is not permitted under Rule 8.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1 and 3 in Table 4 at the end of Section 52.

**Table 2 – Maximum Noise Level Standards**

Time period	L <sub>Aeq</sub> (15 min)	L <sub>AF</sub> max	Measured at
1. At all times	70 dB	N/A	The receiving <u>site</u> at any point within the: <ul style="list-style-type: none"> <li>- <u>Airfield</u> Zone</li> <li>- Commercial Zone</li> <li>- Gateway Zone</li> <li>- <u>Industrial</u> Zone</li> <li>- Light <u>Industrial</u> Zone</li> <li>- Marine Service Zone</li> <li>- Recreation Active Zone</li> <li>- <u>Road</u> Zone</li> </ul>
2. At all times	70 dB	70 dB from 10pm to 7am the following day	The receiving <u>site</u> at any point within the Pedestrian Core Zone
3. Monday to Saturday 7 am to 10 pm	50 dB	N/A	At any point within the <u>notional boundary</u> of a <u>site</u> within any other zone not listed above
4. Sunday 7 am to 6 pm	50 dB	N/A	
5. At all other times	40 dB	65 dB in Marine Service Zone at Te Kouma  70 dB in other Marine Service Zones.	

**Note:**

1. Rule 8.1 b) includes noise from lawn mowing, waterblasting, leaf blowing, and similar temporary maintenance activities. It does not include home business activities.
2. Noise will be measured and assessed in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.
3. Activities may be subject to the excessive noise provisions set out in s326 to s328 of the RMA.

**Rule 9: Other water, wastewater, stormwater infrastructure**

1. Other water, wastewater or stormwater infrastructure is a permitted activity provided upon the completion of the works, the ground surface and any vegetation that has been disturbed is reinstated.
2. Other water, wastewater or stormwater infrastructure that is not permitted under Rule 9.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1, 6 and 7 in Table 4 at the end of Section 52.

**Rule 10: Demolition; Partial demolition; Removal**

1. Demolition, partial demolition or removal of a building is a permitted activity.

## 52.5 Restricted Discretionary Activities

**Rule 11: One dwelling per lot; Two or more dwellings per lot**

1. An activity listed in Rule 11 is a restricted discretionary activity provided:
  - a) It meets the standards in Table 3; and
  - b) It is located above the ground floor.
2. The Council restricts its discretion to matters 1-7 in Table 4 at the end of Section 52.
3. An activity that is not a restricted discretionary activity under Rule 11.1 is a discretionary activity.

## 52.6 Discretionary Activities

**Rule 12: Activities not provided for in the Plan**

1. An activity not listed in the Activity Table at the beginning of Section 52 and not in the Activity Summary Table (in Section 1.8) is a discretionary activity.

## 52.7 Non-Complying Activities

**Rule 13: Activities not provided for in Section 52**

1. An activity that is not listed in the Activity Table at the beginning of Section 52, but is listed in the Activity Summary Table (Section 1.8) and is not a district-wide activity is a non-complying activity.



## 52.8 Assessment Standards, Matters and Criteria

**Table 3 – Standards**

1. Side/rear yard, excluding from boundaries adjoining an Industrial Area is 5 m
2. Maximum building height is 10 m
3. Maximum height in relation to boundary of a Residential Area is 3 m & 45°
4. Maximum site coverage is 60 %
5. Maximum fence height is 2 m
6. Maximum solid fence height in a front yard, or yard adjoining a walkway or Recreation Area is 1.2 m
7. Maximum lux level received at any point beyond the site, as measured vertically and horizontally is 5 lux

**Table 4 – Restricted Discretionary Matters**

1. **Effects of not meeting the standard(s)**
  - a) Whether actions (if any) taken to avoid, remedy, or mitigate the adverse effects of not meeting the standard(s) are appropriate and effective.
2. **Consistency with a Council-approved concept plan, or other plan that outlines staging of an activity**
  - a) The extent to which the activity is consistent with this plan.
  - b) Whether proposed staging can mitigate an existing lack of infrastructure provision or capacity.
3. **Positive and adverse effects on adjacent sites**
  - a) The extent to which noise, odour, fumes, smoke, liquid spray, dust, vibration, bulk, glare or stormwater runoff from the activity do not affect adjacent sites.
  - b) Whether the frequency and duration of the activity any effects in 3 a) above are comparable to effects that occur within the zone of the applicable adjacent site.
  - c) Whether these effects are appropriate to occur in the Marine Service Zone, and whether any spill-over of effects into adjacent zones is appropriate.
  - d) The extent to which positive effects from the activity contribute to the economic, social and cultural well-being of the community.
4. **Passive surveillance of publicly accessible areas**
  - a) The degree to which lighting, landscaping and windows increases the safety of publicly accessible areas.
5. **The suitability of the site for the scale of the proposed activity**
  - a) The extent to which the site can accommodate all aspects of the activity without causing adverse effects.
  - b) Whether the site is an appropriate location for the activity, and what alternatives have been considered.
  - c) The location of noise sensitive activities in relation to the proposed activity and the extent to which they will be affected.

**Table 4 – Restricted Discretionary Matters**

- d) Whether the provision of wastewater, water and solid waste is adequate for the number of people anticipated and the duration of the activity.

**6. Utility infrastructure provision and location (including easements) for water, wastewater, solid waste, stormwater, electricity, telecommunications**

- a) Whether the location of utility infrastructure on-site is appropriate.
- b) Whether the provision and location of utility infrastructure will constrain future planned development.
- c) The extent to which the activity may impact on the capacity or integrity of reticulation networks.
- d) Whether the activity should be connected to existing reticulation networks.
- e) The extent to which the proposed infrastructure improves the resilience and security of the network.
- f) Whether easements are appropriate.
- g) Whether there is technical and practical potential for co-location of utility infrastructure on a site.
- h) The extent to which technical and functional needs require the proposed location of the utility infrastructure.
- i) The extent to which the utility infrastructure contributes to the functioning and well-being of the community.
- j) Whether the extension of existing above ground utility infrastructure is appropriate.
- k) The extent to which the activity will contribute to central and regional government energy policy objectives and renewable energy targets.

**7. Off-site effects from earthworks**

- a) Whether existing infrastructure and utilities are protected.
- b) The extent to which changes in water drainage to and from adjacent sites because of the earthworks causing adverse effects, such as ponding, erosion, drainage or flooding, are avoided, remedied or mitigated.
- c) Whether mitigation measures are implemented to avoid earthwork debris being carried into adjacent properties, waterways, estuaries and harbours, also taking into account cumulative effects.

**8. Rooding, vehicle parking and access**

- a) Whether adequate consideration has been given to parking and where this will be located.
- b) Whether traffic associated with the activity will have an adverse effect on the safety and efficiency of the roading network.
- c) Whether consultation and approval is needed from the roading authority.
- d) Whether the activity involves the use of roads, whether an approved traffic management plan is in place.

**Table 4 – Restricted Discretionary Matters**

**9. New permanent buildings**

- a) Whether the building/s have a viable use beyond the festival, event.
- b) The extent to which the building/s comply with the standards in Table 3.

**10. Activities located in the Marine Service Zone at Te Kouma**

- a) The extent to which the proposed activity compromises current authorized uses of the existing facility, including recreational boating and servicing activities for marine farming.
- b) Whether the site can accommodate the activity without compromising amenity values of the adjacent area.